

NATIONAL TROPICAL BOTANICAL GARDEN POLICY ON ACCESS TO PLANT GENETIC RESOURCES AND BENEFIT-SHARING

The National Tropical Botanical Garden endorses the following Principles on access to plant genetic resources and benefit-sharing:

International and national treaties and laws related to access to genetic resources and associated traditional knowledge and benefit-sharing

- Honor the letter and spirit of the Convention of Biology Diversity (CBI), The International Treaty on Plant Genetic Resources for Food and Agriculture (The Treaty), The Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), the Endangered Species Act (ESA), and laws relating to access and benefit-sharing, including those relating to traditional knowledge.

Acquisition of genetic resources

- In order to obtain prior informed consent, provide a full explanation of how the genetic resources will be acquired and used.
- When acquiring genetic resources from *in situ* conditions, obtain prior informed consent from the government of the country of origin and any other relevant Stakeholders, according to applicable law and best practice.
- When acquiring genetic resources from *ex situ* collections (such as botanic gardens), obtain prior informed consent from the body governing the *ex situ* collection and any additional consents required by that body.
- When acquiring genetic resources from *ex situ* sources, whether from *ex situ* collections, commercial sources or individuals, evaluate available documentation and, where necessary, take appropriate steps to ensure that the genetic resources were acquired in accordance with applicable law and best practice.

Use and supply of genetic resources

- Use and supply genetic resources and their derivatives on terms and conditions consistent with those under which they were acquired.
- Prepare a transparent policy on the commercialisation (including plant sales) of genetic resources acquired before and since the CBD entered into force and their derivatives, whether by the Participating Institution or a recipient third party.

Use of written agreements

- Acquire genetic resources and supply genetic resources and derivatives using written agreements, where required by applicable law and best practice, setting

out the terms and conditions under which the genetic resources may be acquired, used and supplied and resulting benefits shared.

Benefit-sharing

- Share fairly and equitably with the country of origin and other Stakeholders, the benefits arising from the use of genetic resources and their derivatives including non-monetary, and, in the case of commercialization, also monetary benefits.
- Share benefits arising from the use of genetic resources acquired prior to the entry into force of the CBD, as far as possible, in the same manner as for those acquired thereafter.

Curation

In order to comply with these Principles, maintain records and mechanisms to:

- record the terms and conditions under which genetic resources are acquired;
- track the use in the Participating Institution and benefits arising from that use; and
- record supply to third parties, including the terms and conditions of supply.

Communicate this policy

- Communicate, as appropriate, the above-stated institutional policy as to the principles stated above, which have been adopted by the NTBG.

*— Adopted February 27, 2007 by the
Board of Trustees, National Tropical Botanical Garden*